

House supported that bill. That is what we need to do in a show of good faith for the men and women fighting around the world.

For example, in Afghanistan, I read the morning news from Nevada. The Nevada National Guard, in the mountains of Afghanistan, had a vicious fire-fight lasting more than a day, chasing these evil people through villages. Many of them were killed. One Nevadan was wounded. That is what this legislation before this body is about.

I hope we can do what needs to be done.

Mr. President, I move to table the motion to concur in the House amendment to the Senate amendment with amendments, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire, Mr. GREGG.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 382 Leg.]

YEAS—63

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Kirk	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—35

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	LeMieux	Wicker
DeMint	Lugar	

NOT VOTING—2

Gregg Lieberman

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the pending motion to concur to the House

amendment would cause an aggregate level of outlays for fiscal year 2010, as set out in the most recently agreed to concurrent resolution on the budget, S. Con. Res. 13, to be exceeded.

Therefore, I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of the Budget Act for purposes of the pending motion, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire, Mr. GREGG.

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 383 Leg.]

YEAS—63

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Kirk	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—35

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	LeMieux	Wicker
DeMint	Lugar	

NOT VOTING—2

Gregg Lieberman

The PRESIDING OFFICER (Mrs. MCCASKILL). On this vote the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is on agreeing to the motion to concur in the House amendment to the Senate amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire, Mr. GREGG.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 384 Leg.]

YEAS—88

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Hagan	Pryor
Bennett	Harkin	Reed
Bingaman	Hatch	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown	Inouye	Rockefeller
Brownback	Isakson	Sanders
Bunning	Johnson	Schumer
Burris	Kaufman	Shaheen
Byrd	Kerry	Shelby
Cantwell	Kirk	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Landrieu	Udall (CO)
Cochran	Lautenberg	Udall (NM)
Collins	Leahy	Vitter
Conrad	LeMieux	Voinovich
Corker	Levin	Warner
Cornyn	Lincoln	Webb
Crapo	Lugar	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	
Ensign	Merkley	

NAYS—10

Barrasso	Enzi	Sessions
Burr	Feingold	Thune
Coburn	Johanns	
DeMint	McCain	

NOT VOTING—2

Gregg Lieberman

The motion was agreed to.

VOTE EXPLANATION

Mr. LIEBERMAN. Madam President, I regret that I was unable to be present to vote for the final passage of H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010, but had I been present, I would have supported it.

This Act will provide \$636.3 billion in funding for the Department of Defense, including nearly \$125 billion in funds that will directly support the men and women fighting at the frontlines of this Nation's wars. I am honored to serve on the Senate Armed Services Committee, which drafted the law authorizing these funds, and thank my colleagues on the Senate Appropriations Committee, led by Chairman DANIEL INOUE, for their hard work guiding this bill to its final approval.

This bill will do much to both protect our service members overseas and improve their lives at home. It will provide \$6.3 billion to procure additional